



U.S. PATENT APPLICATION NO. 10/519,764  
(PCT LEGAL OFFICE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Charles Mioskowiski et al.

Application No.: 10/519,764

Art Unit:

National Stage Filed: December 28, 2004

Examiner: Washington

I.A. Filing Date: June 28, 2003

For: LACTONE COMPOUNDS WHICH CAN BE USED AS ANTIOXIDANT  
AGENTS IN PHARMACEUTICAL, COSMETIC OR FOOD  
COMPOSITIONS AND THEIR METHOD OF PREPARATION

**PETITION UNDER 37 CFR § 1.181(a) TO INVOKE THE SUPERVISORY  
AUTHORITY OF THE DIRECTOR AND TO WITHDRAW THE HOLDING  
OF ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the decision mailed in March 2007, (*See* Exhibit A),  
Commissariat A L'Energie Atomique and Centre National De La Recherche  
Scientifique (CEA), the owner of U.S. Patent Application No. 10/519,764,  
respectfully resubmits its request to the Director to exercise his discretion and  
withdraw the holding of abandonment pursuant to 37 C.F.R. § 1.181.

No fee is due with this petition. However, authorization is hereby granted to  
charge any required fee to Deposit Account No. 50-0911.

## STATEMENT OF FACTS

The instant application is a National Stage of PCT/FR03/01979, with an International Filing date of June 28, 2003, and a priority claim to French Patent Application No. 02/08081, filed on June 28, 2002. The request to enter the National Stage was filed on December 28, 2004.

In entering the National Stage, the request filed on December 28, 2004 included a non-executed Declaration. Accordingly, on September 20, 2005, the USPTO mailed a notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905). The notification indicated that an executed Oath or Declaration had to be submitted within two (2) of the mailing date of the notice, or within 32 months from the priority date of the application, whichever is later. The Notification also stated that the time period set forth to file a response could be extended under the provisions of 37 C.F.R. 1.136(a).

Applicants filed an executed Declaration on January 18, 2006. A copy of the stamped post card evidencing this filing is attached as Exhibit B. With the Declaration, Applicants also filed a Response to Notice to File Missing Parts, attached as Exhibit C, authorizing the USPTO to charge any fees necessary for any applicable extension of time and requesting any such extensions if necessary. In this instance, a two-month extension was required. On July 17, 2006, however, the USPTO mailed a Notification of Abandonment. The Notification states that the application has been abandoned because Applicants had failed to respond to the Notification of Missing Requirements.

In light of the following arguments, Applicants respectfully request withdrawal of the abandonment.

## DISCUSSION

According to the Notification of Missing Requirements, the time period to respond was the later of two months from the mailing of the notice or 32 months from the priority date for the application. Additionally, the Notification also stated that “the time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 C.F.R. 1.136(a).”

According to 37 C.F.R. 1.136(a), “Applicants may extend the time period for reply up to the earlier of the expiration of any maximum period set by statute or five months after the time period set for reply.” According to 37 C.F.R. 1.136(a)(3), “a written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time.” Furthermore, “an authorization to charge all required fees, fees under §1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission.”

The Notification of Missing Requirements was mailed on September 20, 2005. Accordingly, November 20, 2005 marked the two month period for response.

On January 18, 2006, Applicants submitted an executed Declaration. A post card evidencing this filing is attached as Exhibit B. A two-month extension was required. However, as indicated on the post card, along with the executed Declaration, Applicants also submitted, *inter alia*, a Response to Notice to File Missing Parts (2 pages). *See Exhibit C*. On page 2 of this response Applicants stated:

Petition under 37 CFR § 1.181(a)  
Application No. 10/519,764

If these papers are not considered timely filed by the Patent and Trademark Office, then **a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911.** Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

This statement is sufficient to meet the petition for a two month extension needed for the reply to the Notification of Missing Requirements. This statement is a written request submitted in an application that is an authorization to treat the concurrent reply, requiring a petition for an extension of time under 37 C.F.R. 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time, in this case two months. Accordingly, this statement in lieu of a separate petition appropriately extended the time period for response thereby making the January 18, 2006 submission timely.

Alternatively, this statement should have been treated as a constructive petition for extension of two months. The statement includes the authorization to charge all required fees, and all required extension of time fees. Under 37 C.F.R. 1.136(a)(3), authorization to charge all required extension of time fees will be treated as a constructive petition. Accordingly, the statement should have been treated as a constructive petition for an extension of time for two months thereby making the submission of the reply and of the petition timely.

### **CONCLUSION**

Applicants have met the requirements under the Rules and have therefore filed a timely response to Notification of Missing Requirements. As such, the instant application was improperly abandoned.

In response to the previously filed petition on this matter, the PTO requested a submission of a copy of the executed Declaration. Enclosed as Exhibit D, please find

Petition under 37 CFR § 1.181(a)  
Application No. 10/519,764

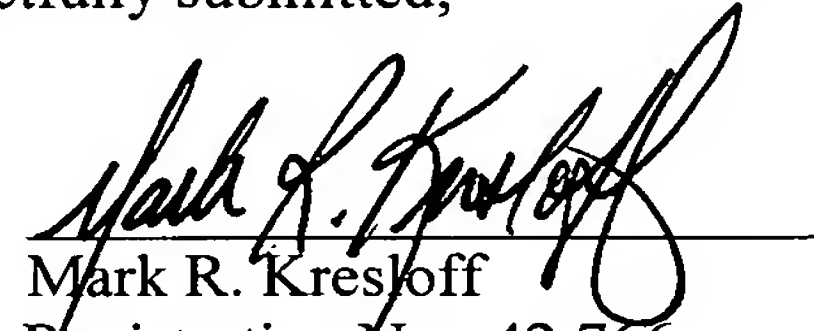
a true and correct copy of the executed Declaration that was filed on January 18, 2006. For the foregoing reasons, the undersigned respectfully requests that the abandonment be withdrawn.

No fee is due with this petition. If Patent Office deems that any additional fees are necessary, please charge required fees to Deposit Account No. 50-0911.

Dated: April 9, 2007

Respectfully submitted,

By

  
Mark R. Kresloff  
Registration No.: 42,766

MCKENNA LONG & ALDRIDGE LLP  
1900 K Street, N.W.  
Washington, DC 20006  
Attorney for Patent Holder

## **EXHIBIT A**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

23 MAR 2007

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| <b>RECEIVED</b>         |         |
| APR - 3 2007            |         |
| DOCKETED BY:            | JM      |
| DUE DATE:               | 5/23/07 |
| ATTORNEY CONFIRMATION:  |         |
| McKENNA LONG & ALTRIDGE |         |

**RECEIVED**  
MAR 30  
**FOLEY & LARDNER LLP**

Foley & Lardner LLP  
1530 Page Mill Road  
Palo Alto, CA 94304

In re Application of  
MIOSKOWISKI et al.  
U.S. Application No. 10/519,764  
PCT No.: PCT/FR03/01979  
Int. Filing Date: 28 June 2003  
Priority Date: 28 June 2002  
Attorney Docket No.: 355901-0106  
For: LACTONE COMPOUNDS WHICH CAN  
BE USED AS ANTIOXIDANT AGENTS  
IN PHARMACEUTICAL COSMETIC OR  
FOOD COMPOSITIONS AND THEIR  
METHOD OF PREPARATION

DECISION ON REQUEST

**BEST AVAILABLE COPY**

This decision is in response to applicant's "Petition under 37 CFR 1.181(a) to Invoke the Supervisory Authority of the Director" filed 18 August 2006, which is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the Notification of Abandonment mailed by the Office on 17 July 2006. No petition fee is required.

**BACKGROUND**

On 28 June 2003, applicant filed the above-captioned international application which claimed a priority date of 28 June 2002 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 January 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 December 2004.

On 28 December 2004, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the basic national fee; a copy of the international application; an unexecuted declaration; and a preliminary amendment.

On 20 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 was omitted. A new oath or declaration in compliance with 37 CFR 1.497 and a surcharge for providing the oath or declaration later than 30 months from the priority date were required. The notification set a two-month time limit in which to respond.



On 17 July 2006, the United States Elected Office mailed a Notification of Abandonment under 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 20 September 2005 within the time period set therein.

On 18 August 2006, applicant filed the present "Petition under 37 CFR 1.181(a) to Invoke the Supervisory Authority of the Director."

### DISCUSSION

Applicant states in their present petition that a declaration and power of attorney was received at the United States Patent and Trademark Office on 18 January 2006. Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

"If a receipt of any paper filed in the Patent and Trademark Office is desired, it may be obtained by enclosing with the paper a self-addressed postcard identifying the paper. The Patent and Trademark Office will stamp the receipt date on the card and place it in the outgoing mail.

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

Here, applicants have provided a copy of their date-stamped filing receipt. The receipt identifies the application by applicant, application serial number, and docket number. The receipt itemizes, inter alia, an Executed Declaration. The receipt is stamped "OIPE January 18, 2006" across its face. However, a review of the application file reveals that the declaration filed on 18 January 2006 is not located therein and applicant has not submitted a true copy of the declaration with the present petition. At this time, it is not appropriate for the Office to withdraw the Notification of Abandonment (Form PCT/DO/EO/909) mailed 17 July 2006 without a true copy of the declaration filed on 18 January 2006.

### CONCLUSION

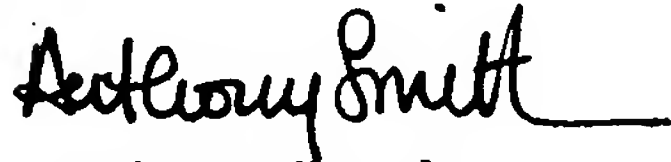
For the reasons discussed above, applicant's petition is DISMISSED without prejudice.

Applicant is hereby given a **TWO (2) MONTH** time period from the mail date of this communication in order to file a proper response. A proper response must include a true copy of an acceptable declaration alleged to have been filed on 18 January 2006 together with an appropriate statement verifying that the declaration is a true copy.



Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read "Anthony Smith", with a horizontal line extending to the right.

Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3298  
Fax: (571) 273-0459

## **EXHIBIT B**

**Inventor:** Charles MIOSKOWSKI, et al. **Atty Docket No.:** 10404.006.00

**Application No.:** 10/519,764

**Filing Date:** December 28, 2004

**Title:** COMPOSITION, FOAM AND PROCESS FOR THE DECONTAMINATION OF SURFACES

**Documents Filed:**

Response to Notice to File Missing Parts (2 pages)

Copy of Notification of Missing Requirement (2 pages)

Declaration and Power of Attorney (3 pages)

Assignment papers (2 pages)

Request to Change Attorney Docket Number (1 page)

Change Correspondence Address (1 page)



**Via:**

**Sender's Initials:** SL/syc

**Date:** 1/18/2006

## **EXHIBIT C**

Docket No.: 10404.006.00  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Charles MIOSKOWSKI, et al.

Customer No.: 30827

Application No.: 10/519,764

Confirmation No.: 7274

Filed: December 28, 2004

Art Unit: TBA

For: COMPOSITION, FOAM AND PROCESS FOR  
THE DECONTAMINATION OF SURFACES

Examiner: TBA

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Dear Sirs:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed September 20, 2005, Applicants respectfully submit a Combined Declaration and Power of Attorney and an Assignment (and Recordation Form Coversheet).

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

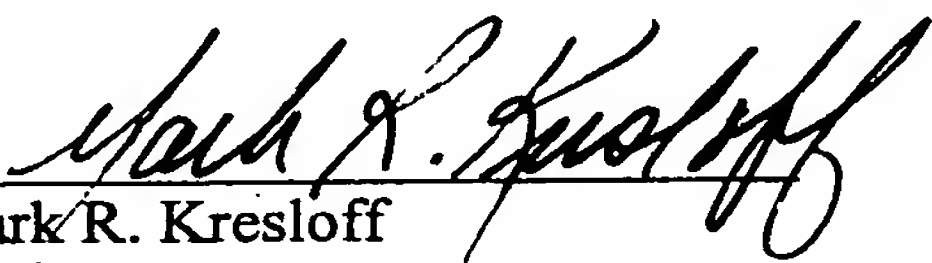
Application No.: 10/519,764

Docket No.: 10404.006.00

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: January 18, 2006

Respectfully submitted,

By   
Mark R. Kresloff  
Registration No.: 42,766  
McKenna Long & Aldridge LLP  
1900 K Street N.W.  
Washington, D.C. 20006  
Voice: 202-496-7500  
Fax: 202-496-7756  
Attorneys for Applicant



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

104/04.026  
MR

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/519,764                  | Charles Mioskowski    | 355901-0106      |

|                               |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/FR03/01979

|                  |               |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 06/28/2003       | 06/28/2002    |

38706  
FOLEY & LARDNER LLP  
1530 PAGE MILL ROAD  
PALO ALTO, CA 94304

**RECEIVED**

SEP 27 2005

FOLEY &amp; LARDNER LLP

CONFIRMATION NO. 7274

371 FORMALITIES LETTER



Date Mailed: 09/20/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/28/2004
- Copy of the International Search Report filed on 12/28/2004
- Copy of IPE Report filed on 12/28/2004
- Preliminary Amendments filed on 12/28/2004
- Information Disclosure Statements filed on 12/28/2004
- Oath or Declaration filed on 12/28/2004
- Request for Immediate Examination filed on 12/28/2004
- Copy of references cited in ISR filed on 12/28/2004
- U.S. Basic National Fees filed on 12/28/2004
- Priority Documents filed on 12/28/2004

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| <b>RECEIVED</b>                           |
| OCT 13 2005                               |
| DOCKETED BY: <i>PJ</i>                    |
| DUE DATE: <i>11-30-05 / final 4-30-06</i> |
| ATTORNEY CONFIRMATION:                    |
| MCKENNA LONG & ALDRIDGE                   |

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).



Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/519,764                  | PCT/FR03/01979                | 355901-0106      |

FORM PCT/DO/EO/905 (371 Formalities Notice)

Docket No.: 10404.006.00-US  
(PATENT)

## Declaration and Power of Attorney

WE (I) the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### COMPOSITION, FOAM AND PROCESS FOR THE DECONTAMINATION OF SURFACES

the specification of which

|                                     |  |                   |                  |
|-------------------------------------|--|-------------------|------------------|
| <input type="checkbox"/>            | Is attached hereto.                        |                   |                  |
| <input checked="" type="checkbox"/> | was filed on                               | December 28, 2004 |                  |
|                                     | as Application No.                         | 10/519,764        |                  |
|                                     | and amended on                             |                   |                  |
| <input checked="" type="checkbox"/> | was filed as PCT international application |                   |                  |
|                                     | Number                                     | PCT/FR2003/01979  |                  |
|                                     | on   | June 26, 2003     |                  |
|                                     | and was amended under PCT Article 19       |                   |                  |
|                                     | on   |                   | (if applicable). |

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

| Application No. | Country | Day/Month/Year | Priority Claimed                    |     |                          |    |
|-----------------|---------|----------------|-------------------------------------|-----|--------------------------|----|
| 0208081         | FRANCE  | 28 June 2002   | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |

We (I) hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application

in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| Application Serial No. | Filing Date | Status (pending, patented, abandoned) |
|------------------------|-------------|---------------------------------------|
|                        |             |                                       |

We (I) hereby appoint the practitioners associated with Customer No. 30827, with full powers of substitution and revocation, to prosecute the patent application identified above and filed herewith and to transact all business in the U.S. Patent and Trademark Office connected therewith; and we (I) hereby request that all correspondence regarding this application be sent to Song K. Jung of McKenna Long & Aldridge LLP, Attorneys At Law, 1900 K Street, N.W., Washington, D.C. 20006.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon, and may jeopardize the validity of the patent application or any patent issued thereon.

**Charles MIOSKOWSKI**

NAME OF FIRST INVENTOR

  
Signature of Inventor

December 19, 2005

Date

Residence:

14 rue Boudeloni  
67200 Strasbourg

FRANCE

Citizen of:

France

Post Office Address:

The same as residence

**Thierry LE GALL**

NAME OF SECOND INVENTOR

  
Signature of Inventor

December 19, 2005

Date

Residence:

11, résidence du château de  
Coucelle, 91190 Gif-sur-Yvette

FRANCE

Citizen of:

French

Post Office Address:

The same as residence

**Marine DESAGE**

NAME OF THIRD INVENTOR

  
Signature of Inventor

December 19, 2005

Date

Residence:

147, rue de Vaugirard

75015 PARIS

FRANCE

Citizen of:

French

Post Office Address:

The same as residence

**Stéphane MEUNIER**

NAME OF FOURTH INVENTOR



Signature of Inventor

December 19, 2005

Date

Residence: 4 Rue de Soultzmatt67 100 Strasbourg

FRANCE

Citizen of: FRANCEPost Office Address: The same as residence**Stéphanie NOWACZYK**

NAME OF FIFTH INVENTOR



Signature of Inventor

December 19, 2005

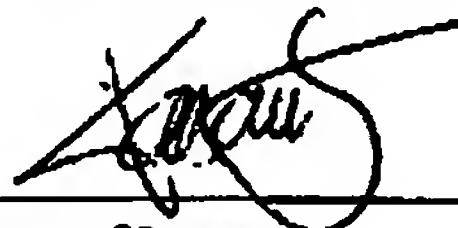
Date

Residence: 21 bis rue GallieniBât F. 78000 VERSAILLES

FRANCE

Citizen of: FrancePost Office Address: The same as residence**Frédéric TARAN**

NAME OF SIXTH INVENTOR



Signature of Inventor

December 19, 2005

Date

Residence: 9, allée du Pré CashCherbourg 91190 Gif sur Yvette

FRANCE

Citizen of: FRANCEPost Office Address: The same as residence

## **EXHIBIT D**



Docket No.: 10404.006.00-US  
(PATENT)

# Declaration and Power of Attorney

WE (I) the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## COMPOSITION, FOAM AND PROCESS FOR THE DECONTAMINATION OF SURFACES

the specification of which

|                                     |  |                    |                  |
|-------------------------------------|--|--------------------|------------------|
| <input type="checkbox"/>            | Is attached hereto.                        |                    |                  |
| <input checked="" type="checkbox"/> | was filed on                               | December 28, 2004  |                  |
|                                     |  | as Application No. | 10/519,764       |
|                                     |  | and amended on     |                  |
| <input checked="" type="checkbox"/> | was filed as PCT international application |                    |                  |
|                                     | Number                                     | PCT/FR2003/01979   |                  |
|                                     | on   | June 26, 2003      |                  |
|                                     | and was amended under PCT Article 19       |                    |                  |
|                                     | on   |                    | (if applicable). |

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

| Application No. | Country | Day/Month/Year | Priority Claimed                    |     |                          |    |
|-----------------|---------|----------------|-------------------------------------|-----|--------------------------|----|
| 0208081         | FRANCE  | 28 June 2002   | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |

We (I) hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application Number)                      (Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application

in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

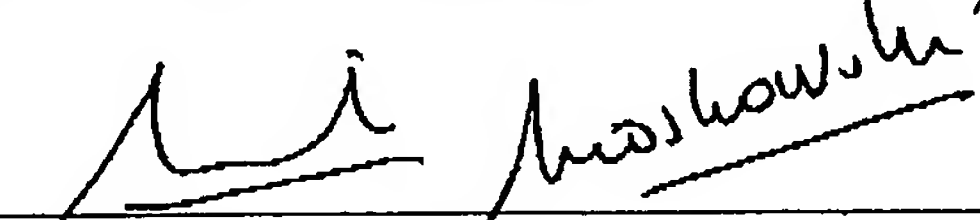
| Application Serial No. | Filing Date | Status (pending, patented, abandoned) |
|------------------------|-------------|---------------------------------------|
|                        |             |                                       |

We (I) hereby appoint the practitioners associated with Customer No. 30827, with full powers of substitution and revocation, to prosecute the patent application identified above and filed herewith and to transact all business in the U.S. Patent and Trademark Office connected therewith; and we (I) hereby request that all correspondence regarding this application be sent to Song K. Jung of McKenna Long & Aldridge LLP, Attorneys At Law, 1900 K Street, N.W., Washington, D.C. 20006.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon, and may jeopardize the validity of the patent application or any patent issued thereon.

Charles MIOSKOWSKI

NAME OF FIRST INVENTOR

  
Signature of Inventor

December 19, 2005

Date

Residence: 14 rue Boudier

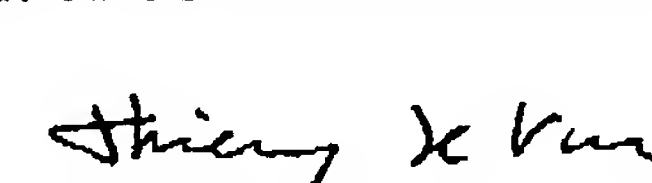
67200 Strasbourg  
FRANCE

Citizen of: France

Post Office Address: The same as residence

Thierry LE GALL

NAME OF SECOND INVENTOR

  
Signature of Inventor

December 19, 2005

Date

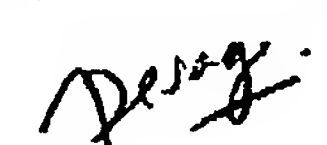
Residence: 11, résidence du château de  
Coucelle, 91190 Gif-sur-Yvette  
FRANCE

Citizen of: French

Post Office Address: The same as residence

Marine DESAGE

NAME OF THIRD INVENTOR

  
Signature of Inventor

December 19, 2005

Date

Residence: 147, rue de Vaugirard  
75015 PARIS  
FRANCE

Citizen of: French

Post Office Address: The same as residence



Stéphane MEUNIER

NAME OF FOURTH INVENTOR



Signature of Inventor

December 19, 2005

Date

Residence: 4 Rue de Sultzmath

67 100 Strasbourg

FRANCE

Citizen of: FRANCE

Post Office Address: The same as residence

Stéphanie NOWACZYK

NAME OF FIFTH INVENTOR



Signature of Inventor

December 19, 2005

Date

Residence: 91 bis rue Gallieni

Bât F. 78000 VERSAILLES

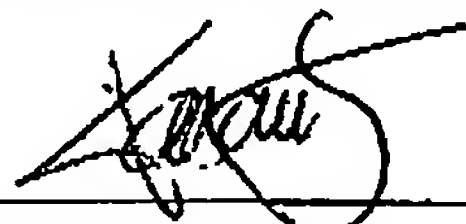
FRANCE

Citizen of: France

Post Office Address: The same as residence

Frédéric TARAN

NAME OF SIXTH INVENTOR



Signature of Inventor

December 19, 2005

Date

Residence: 9, allée du Pré Clash

Cherbourg 91190 Gif sur Yvette

FRANCE

Citizen of: FRANCE

Post Office Address: The same as residence

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